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Attorney for Plaintiff, Jeffrey Martin Bellucci

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

JEFFREY MARTIN BELLUCCI, ) Case No.: 2:20-cv-01684-JDP  
Plaintiff, )  
vs. ) STIPULATION AND PROPOSED ORDER  
KILOLO KIJAKAZI, Acting Commissioner of ) FOR THE AWARD OF ATTORNEY'S FEES  
Social Security, ) AND COSTS PURSUANT TO THE EQUAL  
Defendant. ) ACCESS TO JUSTICE ACT, 28 U.S.C. §  
 ) 2412(D)  
 )  
 )

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of eleven thousand dollars (\$11,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d); 1920. The parties further stipulate that Plaintiff shall be reimbursed his filing fee herein of Four Hundred Dollars (\$400.00).

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1 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any  
2 assignment of EAJA fees to David J. Linden. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-  
3 2253 (2010), the ability to honor any such assignment will depend on whether the fees are  
4 subject to any offset allowed under the United States Department of the Treasury's Offset  
5 Program. After the order for EAJA fees is entered, the Defendant will determine whether they  
6 are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
8 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be  
9 made directly to David J. Linden, pursuant to any assignment executed by Plaintiff. Any  
10 payments made shall be delivered to David J. Linden.

12 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
13 and does not constitute an admission of liability on the part of Defendant. This award is without  
14 prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42  
15 U.S.C. § 406, subject to the provisions of the EAJA.

16 Dated: December 16, 2022

17 */s/ David J. Linden*  
DAVID J. LINDEN  
18 Attorney for Plaintiff

19 Dated: December 16, 2022

PHILLIP A. TALBERT  
20 United States Attorney

21 By */s/ Oscar Gonzalez de Llano*  
OSCAR GONZALEZ de LLANO  
22 (as authorized by email on 12/16/2022)  
Special Assistant US Attorney  
23 Attorneys for Defendant

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1                   ORDER  
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PURSUANT TO STIPULATION,

IT IS SO ORDERED.

5                   Dated: December 20, 2022  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE